

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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11/6/03
A.W.

Continuation in re Application

) PATENT APPLICATION

Inventors: David L. Multer, et al.

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Appl. No.: 09/642,615

Art Unit: 2177 JAN 08 2004

Filed: August 17, 2000

Examiner: Chandra V. Jayaram

Title: CHANGE LOG AGGREGATION
AND OPTIMIZATION

Customer No. 28554

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JAN 08 2004

OFFICE OF PETITIONS

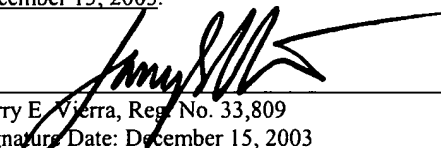
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Technology Center 2100

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8

I hereby certify that this correspondence is being deposited in the United States Postal Service with sufficient postage as first class mail in an envelope addressed to **Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450**, on December 15, 2003.


Larry E. Vierra, Reg. No. 33,809
Signature Date: December 15, 2003

RESPONSE INCLUDING REQUEST TO ENTER RCE AND AMENDMENT FILED AFTER
STATUTORY PERIOD DUE TO PTO DELAY, OR IN THE ALTERNATIVE,
TO REVIVE APPLICATION UNDER 37 C.F.R. §1.137(B)

Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants, through their undersigned attorney, hereby request the entry of the attached Request for Continued Examination ("RCE") as a timely response to the Final Office Action dated April 25, 2003, or in the alternative, revival the above-cited application as unintentionally abandoned under 37 C.F.R. §1.137(b).

The timing of Applicant's response is based on the delay of the United States Patent & Trademark Office ("USPTO") and failure to respond to the Amendment after final in accordance with the Expedited Procedure outlined in M.P.E.P. § 714.13.

FACTUAL SUMMARY

The following is a chronological outline of the relevant prosecution history of this matter:

- A Final Office Action was issued in the instant application on April 25, 2003¹;
- A Response (B) to the Final Office Action Using the Expedite Procedure outlined in M.P.E.P. §714.13 was filed on August 25, 2003. The Response B included a Petition for a One Month Extension of Time to Respond².
- An Advisory Action was mailed on October 27, 2003, more than two months after the filing of the Response After Final Action.³ This Action was received on October 30, 2003, well beyond the one-month goal recited in M.P.E.P. §714.13.
- Applicant was therefore precluded from responding to the Final Office Action within the statutory time period outlined in 37 C.F.R. § 1.135 by the delay of the USPTO.
- Applicant contacted the Examiner on or about November 4, 2003 to inquire about the procedure following the delay by the USPTO and was advised to file the instant response.

¹ A copy of the cover sheet of the Office Action is attached hereto as Exhibit 1.

² A copy of the Response and the Petition are attached hereto as Exhibit 2.

³ A Copy of the Cover Sheet of the Advisory Action is attached hereto as Exhibit 3.